

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, January 28, 2014**

**City Council Chamber**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members David Duax, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Eric Larsen, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, and Michael Xiong. Absent: Council Member Andrew Werthmann.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, January 28, 2014:

- Approving Minutes of City Council Legislative Meeting of January 14, 2014.
- Granting new bartender licenses.
- Granting a Temporary Class B Fermented Malt Beverage license to Chippewa Valley Roller Girls, LTD, Kimm Schroeder, president, for February 15 & April 19, 2014 at 3456 Craig Road, for Chippewa Valley Roller Girls – Home Bout.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to St. Olaf Parish, Brian Konopa, Pastor, on February 8, 2014, from 5:00 p.m. to 10:00 p.m., at 3220 Monroe St., for St. Valentine Sweetheart Dinner.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Eau Claire Seymour Lions Club, Mike Berg, president, on February 5, 2014, from 3:00 p.m. to 11:30 p.m., at St. Olaf Parish Community Center, 2407 North Lane, for Seymour Lions Game Feed.
- Authorizing Special Olympics Wisconsin to conduct the Polar Plunge on February 22-23, 2014 at Half Moon Beach.
- Authorizing Girls on the Run of Eau Claire County to conduct the Girls on the Run 5k on Saturday, May 10, 2014 in Owen Park and along city trails and sidewalks.
- Authorizing Here We Grow Again LLC to conduct the Here We Grow Again Consignment Sale on April 10-13, 2014 at Hobbs Ice Center.
- Authorizing the Girl Scouts of the Northwestern Great Lakes to conduct the Thin Mint Sprint 5k on Saturday, June 14, 2014 in Carson Park and along city trails and sidewalks.
- Approving the bid and proposal for Procurement No. 2014-06 - City Wide Valve & Hydrant Replacement.
- Approving the bid and proposal for Procurement No. 2014-07 - City Wide Water Service Replacement.

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt the consent resolution”. Said motion passed by unanimous vote.

### **LICENSE – BUSINESS AFTER HOURS**

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Feed My People Food Bank, Dan Toyce, president, on March 10, 2014, at Chippewa Valley Technical College, Gateway Campus, 2320 Alpine Rd., for Eau Claire Chamber of Commerce Business After Hours. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

### **EAU CLAIRE MARATHON**

The City Council considered a resolution authorizing Pat Toutant to conduct the Eau Claire Marathon on Sunday, May 4, 2014 in Carson Park and along city streets, trails and sidewalks. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Rotary International District 6250, Inc., d/b/a Eau Claire Noon Rotary Club, Patrick Thoney, president, on May 4, 2014, at Carson Park, for Eau Claire Marathon. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

### **AGREEMENT – SUMMER SCHOOL PROGRAMS**

The City Council considered a resolution approving an agreement between the City of Eau Claire and the Eau Claire Area School District and Cooperative Educational Services Agency, to provide instructional summer school programs in 2014. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt the resolution”. Said motion passed by unanimous vote.

### **AGREEMENT - EMERGENCY MEDICAL SERVICES**

The City Council considered a resolution approving an agreement with Mayo Clinic Health System for a subsidy for the provision of Emergency Medical Services to various participating surrounding communities in the Greater Eau Claire area. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

### **LEASE – SECURE STORAGE**

The Council considered a resolution approving the renewal of the Police Department’s off-site evidence processing and secure storage facility lease with Cigan Properties. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

## **ECONOMIC DEVELOPMENT**

The City Council considered a resolution approving an extension to the terms and conditions of an existing loan to Culimeta-Saveguard, LLC. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting an Indemnification and Hold Harmless Agreement to AccuTech Plastics., Inc., and ATP Developers, LLC. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

## **DIRECT LEGISLATION**

The Council considered legislative action related to the petition for direct legislation which had been filed in December. Initially, the Council considered adopting a Charter Ordinance requiring that certain building projects constructed with city funds be submitted to referendum prior to construction. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Lewis “to adopt said ordinance”. Said motion to adopt the Charter Ordinance failed on the following vote: Aye: Council Members Duax, Lewis, Strobel and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell and Xiong. The Council then considered a resolution placing a referendum on the April 1, 2014 ballot which would require that certain building projects, not yet under physical construction, planned for dramatic, musical, artistic performances, requiring a capital expenditure of one million dollars or more in funds of the city or a city entity, be submitted to referendum. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Duax “to adopt said resolution”. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Mitchell “to amend said resolution by replacing the question wording (found in the Now, Therefore Be It Resolved paragraph and in the first Be It Further Resolved paragraph) of the resolution with the following wording: ‘Should a charter ordinance be enacted that would require a binding referendum before \$1,000,000 or more in municipal funds can be appropriated for any building construction that is planned for dramatic, musical, or artistic performances?’” The Council discussed the amendment. Discussion included whether the question wording should say ‘municipal funds’ or ‘city funds’ and whether the word ‘appropriated’ or ‘spent’ or ‘expended’ would be most appropriate. The Council agreed on revised wording of ‘Should a charter ordinance be enacted that would require a binding referendum before \$1,000,000 or more in city funds can be expended on any building construction that is planned for dramatic, musical, or artistic performances?’ The Council voted on the motion to amend the resolution and insert the revised wording for the question. Said motion to amend passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Von Haden and Xiong. Nay: Council Members Duax, Lewis, and Strobel. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to amend said resolution by deleting the Now Therefore Be It Resolved section of the resolution and replace it with the following:

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Eau Claire as follows:

1. That a referendum be referred to a vote of the electors in the City of Eau Claire at the April 1, 2014 Spring Election in the form of the question: *“Should a charter ordinance be enacted that would require a binding referendum before \$1,000,000 or more in city funds can be expended on any building construction that is planned for dramatic, musical, or artistic performances?”*
2. That the City Clerk is hereby directed, pursuant to Wisconsin Statutes s.9.20 (6), to place the following statement on the nature of the proposed referendum together with the following question permitting the elector to indicate approval or disapproval of its adoption:

**Statement:** *This charter ordinance would require approval, through a binding referendum submitted to the voters of the City of Eau Claire, for spending \$1,000,000 or more prior to the start of any physical construction of any municipally financed project which includes a building planned for dramatic, musical, or artistic performances. This would apply to spending any funds of the city, or any entity created by the city, whether those funds account for all or part of the project cost. The wording of any referendum must provide the specific purpose, location and cost of the project and an estimate of operating costs which will be provided by the city or a city entity. If the binding referendum fails, neither the city nor any city entity could proceed with that project. However the charter ordinance would not prohibit the city from exercising its role in the planning and design of such publicly financed projects.*

**Question:** *“Should a charter ordinance be enacted that would require a binding referendum before \$1,000,000 or more in city funds can be expended on any building construction that is planned for dramatic, musical, or artistic performances?”*

3. That the City Clerk is hereby directed to cause notice of the referendum being submitted to a vote of the electorate to be given as provided in Wisconsin Statutes s.10.06(3)(f).
4. That the following charter ordinance amendment would result from passage of the initiative: Said motion to amend failed by the following vote: Aye: Council Members Duax, Lewis, Strobel and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell and Xiong. Discussion continued on the resolution. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Duax “to change the first word of the question from ‘should’ to ‘shall’.” Said motion passed on a unanimous voice vote. The Council continued their discussion. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Lewis “to amend the Statement portion of the first Be It Further Resolved paragraph to remove the numeric reference of \$1,000,000 and replace it with the alphabetic reference of one million dollars, as it was written in the circulated petition”. Said motion failed on the following vote: Aye: Council Members Duax, Larsen, and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Lewis, Mitchell, Strobel and Xiong. The Council continued their discussion. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to add the following sentence from the petition to the end of the statement portion of the resolution: ‘However the charter ordinance would not prohibit the city from exercising its role in the planning and design of such publicly financed projects’.”

Said motion to amend passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Lewis, Strobel, Von Haden and Xiong. Nay: Council Members Emmanuelle, Larsen, and Mitchell. Discussion on the resolution continued. The Council then voted on the resolution as amended. Said resolution to place the question on the April 1, 2014 ballot passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Larsen, Lewis, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Member Klinkhammer.

### **PARKING**

The City Council had first reading on an ordinance amending Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding:

- 14th Street, the east side, from Truax Boulevard to 725 feet south of Truax Boulevard;
- 14th Street, the west side, from 225 feet south of Truax Boulevard to 350 feet south of Truax Boulevard;
- 14th Street, the west side, from 475 feet south of Truax Boulevard to 600 feet south of Truax Boulevard.

### **ADJOURNMENT**

A motion was offered by Council Member Xiong and seconded by Council Member Larsen "that this meeting does now adjourn." Said motion passed by unanimous voice vote.

Adjournment: January 28, 2014

Time: 7:10 p.m.

ATTEST:

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Kerry J. S. Kincaid, President

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Donna A. Austad, City Clerk